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Any comment
on this?
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

FILE

RECEIVED

AUG 28 1986

SOLID WASTE DIVISION
U.S. EPA, REGION V

DATE: AUG 26 1986

SUBJECT: USS Lead Refinery, East Chicago, Illinois

FROM: William H. Miner, Chief *Bill*
Hazardous Waste Enforcement Branch

TO: David A. Ullrich
Deputy Regional Counsel

We have reviewed potential or actual RCRA and CERCLA activities at USS Lead Refinery. The Federal RCRA action was an administrative complaint filed and resolved in calendar year 1981. The State recently (3rd Quarter) issued an administrative order against the company. We have not any involvement in that enforcement action. Our records do show that USS Lead Refinery did submit a closure plan to the State in 2/9/84.

Currently there is no CERCLA activity underway. Since the financial condition of the company is shakey, it is doubtful whether CERCLA enforcement authorities would be used. If the facility/site is causing an environmental or public health threat, then use of CERCLA removal funds or placement of the site on the NPL could be explored.

We can certainly advise the other programs of what the State of Indiana is seeking in their RCRA action; but currently I have no one working on any case with USS Lead Refinery. The logistical problems of formally factoring in a State administrative action with a Federal judicial action seem substantial.

In summary, I can have someone from my staff attend a meeting to explain what the State is pursuing in their case. That person would also be able to explain the closure requirements; though that is a authorized State function with responsibility of oversight resting in the Solid Waste Branch. But because of the State action, and no CERCLA activity yet warranted, there is no reason for Federal enforcement activity at USS Lead Refinery under RCRA or CERCLA.

I would be happy to discuss this with you in further detail.

cc: Muno
Niedergang
Stringham, w/attachment
Bartelt, w/attachment
Field, ORC